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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,925	05/30/2001	Richard J. Feldmann	3124-Z	5146

7590 08/30/2002

Law Office of Jim Zegeer
801 North Pitt Street, #108
Alexandria, VA 22314

EXAMINER

BRUSCA, JOHN S

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 08/30/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/866,925		FELDMANN, RICHARD J.	
	Examiner		Art Unit	
	John S Brusca		1631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 1. Claim 1, drawn to a promoter detection method, classified in class 435, subclass 6.
 2. Claim 2, drawn to a computer mediated promoter detection method of detecting DNA linked to RNA, classified in class 702, subclass 20.
 3. Claim 3, drawn to a method of detecting changes in connectron behavior, classified in class 435, subclass 6.
 4. Claim 4, drawn to a method of modifying gene expression by detecting changes in connectron behavior as a result of an exogenous stimulus, classified in class 435, subclass 6.
 5. Claim 5, drawn to a method of detecting chromosomal integration events by detecting connectrons, classified in class 435, subclass 6.
 6. Claim 6, drawn to a method of detecting expression of genes by detecting the back and forth flow of connectrons, classified in class 435, subclass 6.
 7. Claim 7, drawn to a method of modifying connectron organization, classified in class 435, subclass 6.
 8. Claim 8, drawn to a method of detecting connectron control and target sequences by 1) determining the base composition of a genome, 2) determining one or more

sites of control sequence organization, and/or, 3) determining one or more sites of target application, classified in class 435, subclass 6.

9. Claim 9, drawn to a method of determining cell response by use of a complete genome sequence and detection of changes in connectrons due to a stimulus, classified in class 435, subclass 6.
10. Claim 10, drawn to polynucleotides with a defined symmetry, classified in class 536, subclass 23.1.
11. Claim 11, drawn to polynucleotides with a first connectron relationship, classified in class 536, subclass 23.1.
12. Claim 12, drawn to polynucleotides with a second connectron relationship, classified in class 536, subclass 23.1. 11.
13. Claim 13, drawn to polynucleotides with a third connectron relationship, classified in class 536, subclass 23.1.
14. Claim 14, drawn to polynucleotides with a fourth connectron relationship, classified in class 536, subclass 23.1.
15. Claim 15, drawn to polynucleotides with a fifth connectron relationship, classified in class 536, subclass 23.1.
16. Claim 16, drawn to polynucleotides with a sixth connectron relationship, classified in class 536, subclass 23.1.
17. Claim 17, drawn to polynucleotides with a seventh connectron relationship, classified in class 536, subclass 23.1.

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18. Claim 18, drawn to polynucleotides with a eighth connectron relationship, classified in class 536, subclass 23.1.
19. Claim 19, drawn to polynucleotides with a ninth connectron relationship, classified in class 536, subclass 23.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions 1-9 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are drawn to different methods with different steps that produce different results.

Inventions 10-19 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are drawn to polynucleotides with different structures.

Inventions 1-9 and 10-19 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the methods of inventions 1-9 do not use the polynucleotides of inventions 10-19

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group 1-19 are not coextensive, restriction for examination purposes as indicated is proper.

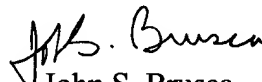
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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Brusca whose telephone number is 703 308-4231. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 703 308-4025. The fax phone numbers for the organization where this application or proceeding is assigned are 703 746-5137 for regular communications and 703 746-5137 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0196.


John S. Brusca
Primary Examiner
Art Unit 1631

jsb
August 28, 2002